

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17 CV 188**

**LEON ANTHONY DAMON,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,**

**Defendant.**

**ORDER**

This matter is before the Court upon Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. 22). Additional supporting documents have also been submitted (Doc. 23).<sup>1</sup>

After review and consideration of the Motion and the accompanying materials, the Court is of the opinion that the Motion should be allowed.

**IT IS THEREFORE ORDERED THAT:**

- (1) Plaintiff's Motion for Payment of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. 22) is **GRANTED**, and Plaintiff is awarded attorney's fees in the amount of \$5,000.00 ("Fee Award").
- (2) As Equal Access to Justice Act fees belong to the litigant and are subject to offset under the Treasury Offset Program, see Astrue v. Ratliff, 560 U.S. 586 (2010), the Fee Award shall be paid by Defendant as follows:

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<sup>1</sup> Certain of those documents have been executed by attorney Howard D. Olinsky. See Attorney's Affirmation in Support of Motion for EAJA Fees (Doc. 23) and Statement Pursuant to Local Rule 54.2 (Doc. 23-8). The undersigned appreciates that information is being presented by Mr. Olinsky as the result of a change of counsel within his firm. However, as the Court's records do not indicate that Mr. Olinsky is regularly admitted to practice in this District, should he intend to participate actively in future cases, admission *pro hac vice* should be sought.

- a. If Plaintiff has federal debt registered with the Department of Treasury that may be offset by the Fee Award, such amount of the Fee Award as is necessary to satisfy Plaintiff's federal debt shall be so used, up to and including the entire amount of the Fee Award.
- b. The remaining balance of the Fee Award after application of the offset, if any, described above shall be delivered by Defendant to Plaintiff's counsel on behalf of Plaintiff.

Signed: November 16, 2018

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

